

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

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|--------------------------------------|---|--------------------------|
| SUSAN CHASTEEN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. |
| v. |) | |
| |) | NOTICE OF REMOVAL |
| NEW HARRAH’S NORTH KANSAS |) | CIVIL ACTION |
| CITY, LLC, and HARRAH’S NORTH |) | |
| KANSAS CITY, LLC |) | |
| Defendant. |) | |

TO: The Clerk of the above-entitled court and
all parties and their attorneys of record

PLEASE TAKE NOTICE that defendant New Harrah’s North Kansas City, LLC, a citizen of the states of Maryland and New York, and Harrah’s North Kansas City, LLC, a citizen of the States of Delaware and Nevada, hereby remove the above-entitled action from the Circuit Court of Clay County, Missouri to the United States District Court for the Western District of Missouri, reserving all defenses and objections, including, but not limited to, personal jurisdiction over New Harrah’s North Kansas City, LLC who is an improper party to this matter. In support of their removal, defendants respectfully state:

1. Plaintiff Susan Chasteen filed her Petition on or about June 3, 2020, commencing an action styled Susan Chasteen v. New Harrah’s North Kansas City, LLC and Harrah’s North Kansas City, LLC, Case No. 21CY-CV04621 in the Circuit Court of Clay County, Missouri. A true copy of that Petition is attached hereto as Exhibit A. In her action, plaintiff seeks damages for personal injuries from an alleged slip-and-fall while on the premise of defendant Harrah’s North Kansas City, LLC Harrah’s NKC on June 5, 2016. See Exhibit A. Plaintiff seeks recovery of compensatory damages for her alleged injuries, including past and future medical

expenses, past and future physical and mental pain and suffering, as well as other costs associated with this suit. *See* Exhibit A.

2. Defendants received “through service or otherwise” a copy of the plaintiff’s Summons and Petition on July 14, 2021, when their registered agent in Missouri was served. A true copy of the Summons’ issued to both defendants are attached as “Exhibit B.” Exhibits A and B constitute all of the matters sent to or served on the defendants in this action.

3. All properly served defendants consent to this Notice of Removal as required by 28 U.S.C.A. § 1446(b).

4. Plaintiff is a citizen of the State of Missouri. *See* Exhibit A.

5. Neither defendant is a citizen of the State of Missouri.

a. Harrah’s North Kansas City, LLC is a limited liability company. On June 5, 2016, and at all times since:

- Harrah’s North Kansas City, LLC has had a single member that holds the membership interests; CEOC, LLC;
- CEOC, LLC has had a single member that holds the membership interests: Caesars Resort Collection, LLC;
- Caesars Resort Collection, LLC has had a single member that holds the membership interests: Caesars Growth Partners, LLC;
- Caesars Growth Partners, LLC has had a single member that holds the membership interests: Caesars Holdings, Inc.; and

➤ Caesars Holdings, Inc., has been a corporation, formed under the laws of the State of Delaware, with a principal place of business in Nevada. *See* Exhibit C, Declaration of Neal S. Krokosky, Corporate Counsel for Caesars Entertainment, Inc.

b. New Harrah's North Kansas City is a Delaware limited liability company that was not a legal entity until January 13, 2017, well after the alleged occurrence claimed by plaintiff in her Petition. *See* Exhibit A. From January 13, 2017, and at all times since:

- New Harrah's North Kansas City, LLC has had a single member that holds the membership interests: VICI Properties 1, LLC;
- VICI Properties 1, LLC has had a single member that holds the membership interests: VICI Properties L.P.;
- VICI Properties L.P. has had a general partner that manages the membership interests: VICI Properties GP, LLC;
- VICI Properties GP, LLC has had a single member that holds the membership interests: VICI Properties, Inc.; and
- VICI Properties, Inc. has been a corporation, formed under the laws of the State of Maryland, with a principal place of business in New York.

6. This civil action is properly removable to the United States District Court for the Western District of Missouri based on the facts enumerated herein, including:

- a. This action is a civil action of which the Court has original jurisdiction under 28 U.S. C. § 1332(a)(1) and may be removed to this Court pursuant to 28 U.S.C. § 1441, in that it is a civil action between citizens of different states with the amount in controversy exceeding the sum of \$75,000.00, exclusive of costs.
- b. Both at the time of this removal as well as at the time the Petition was filed, plaintiff is and was a resident of the state of Missouri. *See* Ex. A, plaintiff's Petition ¶ 1.
- c. Both at the time of this removal as well as at the time the Petition was filed, defendants are citizens of states other than Missouri, as noted above.
- d. With respect to the amount in controversy, plaintiff seeks to recover compensatory damages for alleged injuries, including past and future medical expenses, past and future physical and mental pain and suffering, and also seeks other damages. Ex. A. Given the nature of plaintiff's claims and the alleged damages sought, Defendants understand and believe that the amount in controversy necessarily exceeds \$75,000.000. *See* Exhibit A. Although defendants dispute these amounts, as well as the existence, nature, and extent of plaintiff's alleged injuries and/or damages, they must nonetheless be taken into account for purposes of determining the amount in controversy.
- e. This Notice of Removal was filed with this Court within thirty days of Defendants having received "through service or otherwise" a

copy of the initial pleading setting forth the claim for relief upon which
such action or proceeding is based, as provided by 28 U.S.C. § 1446(b).

7. A true copy of the Notice of Removal is being concurrently filed with the Clerk of the Circuit Court of Clay County, Missouri, as provided by law, and will be concurrently served upon all parties.

WHEREFORE, defendants New Harrah's North Kansas City, LLC and Harrah's North Kansas City, LLC respectfully request that this action be removed to the United States District Court for the Western District of Missouri.

Dated this 13th day of August, 2021.

Respectfully submitted,

/s/ Joseph A. Kronawitter

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**Attorneys for Defendants New Harrah's North
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City, LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed with this Court using the Court's electronic filing system on this 13th day of August, 2021 which will make a copy available to counsel of record including:

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